

REMARKS

Claims 1-6 are pending in the application. Claims 4 and 5 are withdrawn from consideration as being directed to a non-elected invention. In the non-final Office Action dated September 14, 2007, the Examiner made the following disposition:

- A.) Rejected claims 1 and 2 under 35 U.S.C. §102(b) as allegedly being anticipated by *Ma, et al. (U.S. 2002/0074897)*("Ma").
 - B.) Rejected claim 3 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Ma, et al. (U.S. 2002/0074897)*("Ma").
 - C.) Rejected claim 6 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Ma, et al. (U.S. 2002/0074897)*("Ma") in view of *Applicant's Background Art* ("ABA").
- Applicant respectfully traverses the rejections and addresses the Examiner's disposition below.

- A.) Rejection of claims 1 and 2 under 35 U.S.C. §102(b) as allegedly being anticipated by *Ma, et al. (U.S. 2002/0074897)*("Ma"):

Applicant respectfully disagrees with the rejection.

Referring to Figure 11 as an illustrative Example, Applicant's claim 1 claims a micromachine comprising one or more protective films 11 disposed on a first electrode 7b and a support electrode 7c. A band-shaped vibrator electrode 15 comprises a vibrating part 16 overlaying the second electrode 7a and end parts. The vibrating part 16 is spaced apart from the second electrode 7a with a gap A therebetween. The vibrator electrode 15 is secured to the first electrode 7b and the support electrode 7c. A portion of each end part overlies one of the protective films 11.

This is clearly unlike *Ma*, which fails to disclose or suggest Applicant's claimed protective film. Referring to *Ma* Figure 4, *Ma* forms a recess in sacrificial oxide layer 22 in order to expose a top 24 of an underlying support 18. Then, *Ma* forms its vibrator electrode 26/28 directly on the exposed top 24 of the underlying support 18 (*Ma* Figures 5-6). Then, as shown in *Ma* Figure 7, the sacrificial oxide layer 22 is removed.

Thus as clearly shown in *Ma* Figures 7 and 8, *Ma*'s device does not include a protective film disposed between its first and support electrodes 18 and its vibrator electrode 28. There is simply no film positioned between *Ma*'s first and support electrodes 18 and its vibrating electrode 28. As shown in *Ma* Figures 7 and 8, *Ma*'s vibrator electrode 28 has a wider portion at

its mounting ends. It appears that the Examiner has mistakenly interpreted this wider portion of the vibrator electrode 28 to be a protective film. However, *Ma* clearly describes that it is a wider portion of the vibrator electrode 28, not a protective film. (See, side view of vibrator electrode (Figure 7) and top view of vibrator electrode (Figure 8); and *Ma* [0030] (vibrator electrode material 26 formed on top 24 of underlying support 18)).

For at least these reasons, *Ma* fails to disclose or suggest claim 1.

Claim 2 depends directly or indirectly from claim 1 and is therefore allowable for at least the same reasons that claim 1 is allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

B.) Rejection of claim 3 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Ma, et al. (U.S. 2002/0074897) ("Ma")*:

Applicant respectfully disagrees with the rejection.

Independent claim 1 is allowable over *Ma* as discussed above.

Claim 3 depends directly or indirectly from claim 1 and is therefore allowable for at least the same reasons that claim 1 is allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

C.) Rejection of claim 6 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Ma, et al. (U.S. 2002/0074897) ("Ma")* in view of Applicant's Background Art ("*ABA*"):

Applicant respectfully disagrees with the rejection.

Independent claim 1 is allowable over *Ma* as discussed above. *ABA* still fails to disclose or suggest a micromachine comprising one or more protective films disposed between both a first electrode and a support electrode and a vibrator electrode, and a gap between the vibrator electrode and a second electrode. Therefore, *Ma* in view of *ABA* still fails to disclose or suggest claim 1.

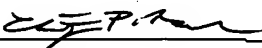
Claim 6 depends directly or indirectly from claim 1 and is therefore allowable for at least the same reasons that claim 1 is allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-3 and 6 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

By:  Reg. 45,034
Christopher P. Rauch
SONNENSCHN, NATH & ROSENTHAL LLP
P.O. Box #061080
Wacker Drive Station - Sears Tower
Chicago, IL 60606-1080
Telephone 312/876-2606
Customer #26263
Attorneys for Applicant(s)